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Etekcity Corporation and Arovast Corporation

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION**

In re:

OKAYSOU CORPORATION,

Debtor.

Case No.: 6:23-bk-11535-MH

**DECLARATION OF EMI SHIBATA
IN SUPPORT OF MOTION OF
UNSECURED CREDITORS
ETEK CITY CORPORATION AND
AROVAST CORPORATION FOR (1)
RESOLUTION OF THE CHAPTER 7
TRUSTEE ELECTION DISPUTE AND
(2) ORDER FOR SUBSTANTIVE
CONSOLIDATION**

[No Hearing Set]

1 I, Emi Shibata, declare as follows:

2 1. I am an attorney in the law firm of Trojan Law Offices (“TLO”) which has been
3 engaged to represent Unsecured Creditors Etekcity Corporation and Arovast Corporation
4 (“Etekcity and Arovast”) in this bankruptcy proceeding (the “Case”). I am over the age of
5 eighteen, I am competent to testify, and I have personal knowledge of the facts set forth herein.
6 I submit this Declaration in Support of the Motion of Unsecured Creditors Etekcity
7 Corporation and Arovast Corporation for (1) Resolution of the Chapter 7 Trustee Election
8 Dispute and (2) Order for Substantive Consolidation (the “Motion”). I am admitted to practice
9 law in the State of California, before the United States District Courts in the Central District
10 of California, and before the United States Patent and Trademark Office (“USPTO”).

11 2. Prior to the beginning of this Case (“Pre-Petition”), TLO was engaged to
12 represent Etekcity and Arovast in a patent litigation matter (“Patent Litigation”) which
13 commenced May 23, 2022, in which Etekcity and Arovast were plaintiffs, and Okaysou
14 Corporation (“Okaysou” or “Debtor”) and Hao Ma (“Mr. Ma”) were defendants. I was
15 assigned to the case to assist TLO attorneys in September 2022, and was officially added as
16 one of the attorneys of record in January 2023. Between January 2023 and April 2023, I
17 interacted with both Mr. Henry Li and Mr. Michael DiNardo of YK Law during the discovery
18 phase of the Patent Litigation. During on-site account inspections, I witnessed Mr. Li and Mr.
19 DiNardo communicate with Mr. John Cao via Mr. Ma to access Okaysou sales information to
20 include in document productions.

21 3. Attached as Exhibit 1 is a true and correct copy of the complaint that Debtor
filed in United States District Court, Northern District of Illinois, Eastern Division, on
November 16, 2023, with case caption “OKAYSOU CORPORATION, a California

1 Corporation, Plaintiff, V. THE PARTNERSHIPS and UNINCORPORATED
2 ASSOCIATIONS IDENTIFIED ON SCHEDULE "A" a Foreign Entity Defendants" and its
3 attachment titled, "Schedule A," which Debtor filed under seal.

4 4. On January 8, 2024, I called the office of the interim Chapter 7 trustee, Mr.
5 Robert S Whitmore to obtain the dial-in information for the upcoming Meeting of Creditors to
6 be held on January 30, 2024. After obtaining the dial-in information, Mr. Whitmore and I
7 discussed the case, and I shared the evidence of fraud that had been uncovered thus far. Mr.
8 Whitmore advised that any investigation would require litigation counsel willing to take on the
9 case on contingency, which he currently did not have, and likely would not happen given the
10 no asset status of the case. Mr. Whitmore also opined that any judgement obtained from the
11 court as a result of investigations likely could not be collected, since bad actors would no doubt
12 divert assets to offshore accounts where they would be unreachable.

13 5. On January 9, 2024, I called the office of Mr. Larry D Simons, who had
14 previously contacted TLO on January 2, 2024 before it was clear that his appointment as
15 interim Chapter 7 trustee had been a clerical error. The telephone call was brief and lasted
16 only a few minutes during which time I asked Mr. Simons whether he had litigation counsel
17 ready to investigate the case on a contingency basis and he answered affirmatively. I relayed
18 this information to my clients, and they requested that I elect Mr. Simons as the permanent
19 Chapter 7 trustee.

20 6. Attached as Exhibit 2 is a true and correct copy of the email I sent to Mr.
21 Cameron Ridley of the U.S. Trustee's Office on January 9, 2024, indicating my clients' intent
to elect Mr. Simons as the permanent Chapter 7 trustee at the upcoming Meeting of Creditors
to be held on January 30, 2024.

1 7. Attached as Exhibit 3 is a true and correct copy of a motion that Debtor filed in
2 United States District Court, Northern District of Illinois, Eastern Division, on December 19,
3 2023, titled “MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION FOR
4 PRELIMINARY INJUNCTION.”

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7 Respectfully submitted,

8 TROJAN LAW OFFICES

9 By

10 *Emi Shibata*

11 Emi Shibata

12 Attorney for Unsecured Creditors

13 Etekcite Corporation and

14 Arovast Corporation
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Dated: March 22, 2024

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is

Trojan Law Offices, 9250 Wilshire Blvd., Suite 325, Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled *Amended NOTICE OF MOTION AND MOTION OF UNSECURED CREDITORS ETEKCITY CORPORATION AND AROVAST CORPORATION FOR (1) RESOLUTION OF THE CHAPTER 7 TRUSTEE ELECTION DISPUTE AND (2) ORDER FOR SUBSTANTIVE CONSOLIDATION; and DECLARATION OF EMI SHIBATA IN SUPPORT OF MOTION OF UNSECURED CREDITORS ETEKCITY CORPORATION AND AROVAST CORPORATION FOR (1) RESOLUTION OF THE CHAPTER 7 TRUSTEE ELECTION DISPUTE AND (2) ORDER FOR SUBSTANTIVE CONSOLIDATION*

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 22, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Abram Feuerstein abram.s.feuerstein@usdoj.gov
- Michael J Gearin michael.gearin@klgates.com
- Everett L Green everett.l.green@usdoj.gov
- Vahe Khojayan vkhojayan@yklaw.us
- Yi Hui Lee mlee@yklaw.us
- Cameron C Ridley Cameron.Ridley@usdoj.gov
- Brandy A Sargent brandy.sargent@klgates.com,
litigation.docketing@klgates.com;janna.leasy@klgates.com
- Allan D Sarver ADS@asarverlaw.com
- David B Shemano dshemano@shemanolaw.com
- Raymond Trojan trojan@trojanlawoffices.com, shibata@trojanlawoffices.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

On March 22, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

United States Bankruptcy Court
Central District of California
3420 Twelfth Street, Suite 325
Riverside, CA 92501-3819

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration

that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 22, 2024

Date

R. Joseph Trojan

Printed Name

/s/R. Joseph Trojan

Signature